

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

E. MUNOZ and J. CERDA,

Defendants.

Case No. 1:21-cv-01372-JLT-HBK (PC)

ORDER REFERRING CASE TO EARLY
ADR AND STAY OF CASE

DEADLINE TO OPT OUT DUE BY:

AUGUST 18, 2023

Plaintiff Devonte B. Harris is a state prisoner proceeding pro se on his first amended complaint brought pursuant to 42 U.S.C. § 1983. (Doc. No. 14, “FAC”). As set forth in the Court’s March 23, 2023 Findings and Recommendations, Plaintiff’s FAC stated a cognizable First Amendment retaliation claim against Defendants Cerda and Munoz. (Doc. No. 24 at 1). On May 16, 2023, Defendants Cerda and Munoz filed an Answer and Affirmative Defenses to the FAC. (Doc. No. 29).

The Court refers all civil rights cases filed by pro se individuals to early Alternative Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively. *See also* Local Rule 270. In appropriate cases, defense counsel from the California Attorney General’s Office have agreed to participate in early ADR. No claims, defenses, or objections are waived by the parties’ participation.

1 Attempting to resolve this matter early through settlement now would save the parties the
2 time and expense of engaging in lengthy and costly discovery and preparing substantive
3 dispositive motions. The Court therefore will STAY this action for 90 DAYS to allow the parties
4 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement
5 discussions, or agree to participate in an early settlement conference conducted by a magistrate
6 judge. The Court presumes that all post-screening civil rights cases assigned to the undersigned
7 will proceed to a settlement conference at some point. If after investigating Plaintiff's claims and
8 meeting and conferring, either party finds that a settlement conference would be a waste of
9 resources, the party may opt out of the early settlement conference.

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11 Accordingly, it is **ORDERED**:

12 1. This action will remain **STAYED until further order** to allow the parties an
13 opportunity to settle their dispute. The parties may not file other pleadings or motions during the
14 stay period. Further, the parties shall not engage in formal discovery until the Court issues a
15 Scheduling and Discovery Order.

16 2. **Within 90 days** from the date on this Order, or no later than August 18, 2023, the
17 parties shall file a notice if they object to proceeding to an early settlement conference or if they
18 believe that settlement is not currently achievable.

19 3. If neither party has opted out of settlement by the expiration of the objection
20 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,
21 other than the undersigned, for conducting the settlement conference.

22 4. If the parties reach a settlement prior to the settlement conference, they SHALL
23 file a Notice of Settlement as required by Local Rule 160.

24 5. The Clerk of Court shall serve Deputy Attorney General Joshua Shuster and
25 Supervising Deputy Attorney General Joanna Hood with a copy of Plaintiff's FAC (Doc No. 14);
26 the Court's March 23, 2023 Findings and Recommendations (Doc No. 24); and this Order.

27 6. If either party opts out a settlement conference, the Court will issue a Discovery
28 and Scheduling Order.

1 7. The parties must keep the Court informed of their current addresses during the stay
2 and the pendency of this action. Any changes of address must be reported promptly by filing a
3 Notice of Change of Address with the Clerk of Court. *See* Local Rule 182(f).

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5 Dated: May 18, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE